

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2393

Introduced by Assembly Member Ammiano

February 19, 2010

An act to amend ~~Section~~ *Sections 94809.6 and 94928* of the Education Code, relating to private postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2393, as amended, Ammiano. ~~Private postsecondary educational institutions: fair business practices. California Private Postsecondary Education Act of 2009.~~

The

(1) *The California Private Postsecondary Education Act of 2009* provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education, with specified exceptions. The act requires private postsecondary educational institutions to comply with various fair business practices, as specified.

The act provides transition provisions from the former Private Postsecondary and Vocational Education Reform Act of 1989, which, among other things, provides for the preservation of certain claims and remedies under the former act.

This bill would require a remedy that could have been ordered to redress a violation of the former act to remain available for certain

actions that were commenced after June 30, 2007, and before January 1, 2010.

~~The~~

(2) *The* act requires private postsecondary educational institutions to annually report to the bureau, and publish various statistics including job placement rates. The act requires job placement rates to be calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for specified programs. The act defines “graduates employed in the field” for the purposes of these provisions.

This bill, with respect to occupations or jobs in an apprenticeship program approved by the Division of Apprenticeship Standards of the Department of Industrial Relations or a position for which the Board of Registered Nursing has established licensure requirements, would separately define “graduates employed in the field” for purposes of the reporting requirements ~~and the fair business practices provisions of the act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 94809.6 of the Education Code is amended*
2 *to read:*

3 94809.6. (a) Notwithstanding the inoperative status or repeal
4 of the former Private Postsecondary and Vocational Education
5 Reform Act of 1989 on or after July 1, 2007, any claim or cause
6 of action in any manner based on the act that was commenced on
7 or before June 30, 2007, whether or not reduced to a final
8 judgment, shall be preserved, and any remedy that was or could
9 have been ordered to redress a violation of the act on or before
10 June 30, 2007, may be ordered or maintained thereafter. If a final
11 judgment was obtained in an action commenced on or after July
12 1, 2007, under the authority of Chapter 635 of the Statutes of 2007,
13 the final judgment and any legal remedy that was or could be
14 maintained on or after July 1, 2007, under that statute, shall be
15 preserved and maintained thereafter.

16 (b) The rights, obligations, claims, causes of action, and
17 remedies described in subdivision (a) shall be determined by the
18 provisions of the former Private Postsecondary and Vocational

1 Education Reform Act of 1989 in effect on or before June 30,
2 2007, notwithstanding the inoperative status or repeal of the former
3 Private Postsecondary and Vocational Education Reform Act of
4 1989 on or after July 1, 2007.

5 *(c) A remedy that could have been ordered to redress a violation*
6 *of the former Private Postsecondary and Vocational Education*
7 *Reform Act of 1989 on or before June 30, 2007, shall remain*
8 *available for all actions described in subdivision (a) of Section*
9 *94809.5 that were commenced after June 30, 2007, and before*
10 *January 1, 2010, except claims to the Student Tuition Recovery*
11 *Fund.*

12 **SECTION 1.**

13 **SEC. 2.** Section 94928 of the Education Code is amended to
14 read:

15 94928. As used in this article, the following terms have the
16 following meanings:

17 (a) “Cohort population” means the number of students that
18 began a program on a cohort start date.

19 (b) “Cohort start date” means the first class day after the
20 cancellation period during which a cohort of students attends class
21 for a specific program.

22 (c) “Graduates” means the number of students who complete a
23 program within 100 percent of the published program length. An
24 institution may separately state completion information for students
25 completing the program within 150 percent of the original
26 contracted time, but that information may not replace completion
27 information for students completing within the original scheduled
28 time. Completion information shall be separately stated for each
29 campus or branch of the institution.

30 (d) “Graduates available for employment” means the number
31 of graduates minus the number of graduates unavailable for
32 employment.

33 (e) (1) Except as provided in paragraphs (2) and (3), “graduates
34 employed in the field” means graduates who are gainfully
35 employed within six months of graduation in a position for which
36 the skills obtained through the education and training provided by
37 the institution are required or provided a significant advantage to
38 the graduate in obtaining the position.

39 (2) With respect to an occupation or job for which the Division
40 of Apprenticeship Standards of the Department of Industrial

1 Relations has approved a certified apprenticeship program,
2 “graduates employed in the field” means graduates who are
3 gainfully employed for not less than 60 days within six months of
4 graduation in a position with job duties meeting all of the criteria
5 of the apprenticeable occupation or job set forth by the Division
6 of Apprenticeship Standards.

7 (3) With respect to an occupation or job for which the Board of
8 Registered Nursing has established licensure requirements,
9 “graduates employed in the field” means graduates who are
10 gainfully employed for not less than 60 days within six months of
11 passage of the National Council of State Boards of Nursing
12 Licensure Examination in a position with job duties meeting all
13 of the criteria of the licensed occupation or job set forth by the
14 Board of Registered Nursing.

15 (f) “Graduates unavailable for employment” means graduates
16 who, after graduation, die, become incarcerated, are called to active
17 military duty, are international students that leave the United States
18 or do not have a visa allowing employment in the United States,
19 or are continuing their education at an accredited or
20 bureau-approved postsecondary institution.

21 (g) “Students available for graduation” means the cohort
22 population minus the number of students unavailable for
23 graduation.

24 (h) “Students unavailable for graduation” means students who
25 have died, been incarcerated, or called to active military duty.